

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

CENTER FOR TRIBAL WATER
ADVOCACY,

Plaintiff,

06-CV-708-SU

ORDER

v.

CARLOS GUTIERREZ, Secretary
of the Department of Commerce;
NATIONAL MARINE FISHERIES SERVICE;
P. LYNN SCARLETT, Acting Secretary
of the Department of the Interior;
U.S. FISH AND WILDLIFE SERVICE;
U.S. FOREST SERVICE;
LINDA GOODMAN, Regional Forester,
Oregon/Washington USFS;
BARBARA C. WALKER, District Ranger,
Wallowa-Whitman National Forest,

Defendants.

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Fish and Wildlife Service, U.S. Forest Service,
Linda Goodman, and Barbara C. Walker

BROWN, Judge.

Magistrate Judge Patricia Sullivan issued Findings and Recommendation (#44) on November 22, 2006, in which she recommended this Court deny Permittees' Motion to Intervene (#8) as to the liability phase of this matter, but allow Permittees to appear as *amicus curiae* during that phase. The Magistrate Judge also recommended the Court grant the Permittees' Motion to Intervene as to the remedial phase of the litigation.

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, this Court is relieved of its obligation to review the record *de novo*. *Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). See also *Lorin Corp. v. Goto & Co.*, 700 F.2d 1202, 1206 (8th Cir. 1983). Having reviewed the legal principles *de novo*, the Court does not find any error.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Sullivan's Findings and Recommendation (#44). Accordingly, the Court **DENIES** Permittees' Motion to Intervene (#8) as to the liability phase of the matter, but **ALLOWS** Permittees to appear as *amicus curiae* during that

phase. The Court **GRANTS** Permittees' Motion to Intervene (#8) as to the remedial phase of the litigation.

IT IS SO ORDERED.

DATED this 12th day of February, 2007.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge